

STATE OF MAINE

SUPREME JUDICIAL COURT

Docket No. BAR-86-9

BOARD OF OVERSEERS OF THE BAR )

v. )

JEFFREY PICKERING )

OPINION AND ORDER

The Board of Overseers of the Bar has filed an information against respondent Jeffrey Pickering of Monticello, formerly of Bridgton and Naples, a member of the Maine bar, charging that he has conducted himself in violation of M. Bar R. 3.6(a)(3), 3.6(f)(2)(iv), 3.2(f)(3), and 3.7(b). In this proceeding the Board is represented by Bar Counsel, J. Scott Davis, Esq., and the respondent, by Francis M. Jackson, Esq.

Both in his answer to the information and in his testimony before this Court at the hearing held on April 14, 1986, respondent has admitted in all substantial respects the facts upon which the Board bases its charges. The Court finds that undisputed facts establish that respondent has indeed violated the above-cited rules. Respondent's misconduct consists of serious and continuing neglect of the settlement of a decedent's estate and of misrepresentations made to the client and to Bar Counsel and the Grievance Commission of the Board as to the status of his work on that matter. Respondent acknowledges that he has had a personal

problem of alcoholism and has encountered serious difficulties in getting his case load and practice under control.

The only question remaining before the Court is the selection of an appropriate sanction that will reflect the seriousness of the violations in the past and will protect the public and the administration of justice from repetition of the professional misconduct in the future. The Court concludes that the suspension for a fixed term of six months, as recommended on December 6, 1985, by the Grievance Commission following its hearing on this matter, is an inadequate sanction in light of continued violations after that date, and that the terms of any suspension should be fashioned in a way designed to advance the protection of the public and the administration of justice when respondent returns to the practice of law at the end of the suspension.

WHEREFORE, it is hereby ORDERED and ADJUDGED:

1. That respondent Jeffrey Pickering has conducted himself in violation of M. Bar R. 3.6(a)(3), 3.6(f)(2)(iv), 3.2(f)(3), and 3.7(b); and

2. That respondent Jeffrey Pickering be and he hereby is suspended from the practice of law in Maine for a period of twelve months, effective May 15, 1986; and

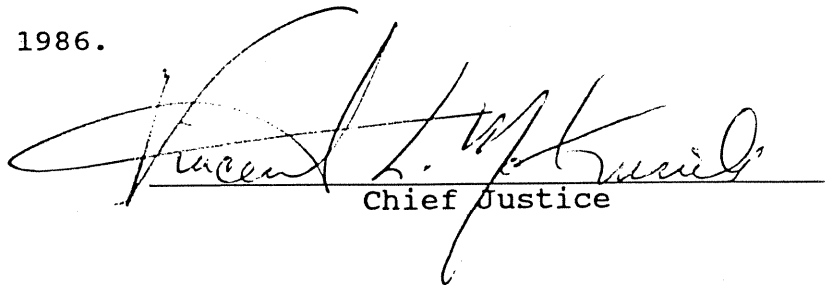
3. That respondent Jeffrey Pickering may petition this Court that the suspension ordered under paragraph 2 be lifted at any time on or after November 14, 1986, on his showing at the time of such lifting:

(a) that he complied fully with M. Bar R. 7(n) prior to the effective date of this order;

- (b) that he has refrained from the consumption of any alcohol or unauthorized drugs from the date of this order;
- (c) that he has continued to participate regularly in the program of Alcoholics Anonymous;
- (d) that he has promptly after the entry of this order sought and accepted the help and advice of the Substance Abuse Committee of the Maine State Bar Association, and that he commits himself to take full advantage of the "buddy system" and any other help and advice that that committee of the Association's Peer Assistance Committee may be able to furnish him upon his return to practice; and

4. That this Court retains jurisdiction over this matter for the purpose of entering any further order it may deem appropriate, including specifically an order lifting, conditionally or unconditionally, the suspension herein ordered.

Dated: April 18, 1986.

  
Chief Justice